

REMARKS

I. General Remarks

This Application has been carefully reviewed in light of the Final Office Action mailed November 24, 2009. Applicant hereby requests continued examination of this application in accordance with 37 C.F.R. § 1.114. Applicant thanks the Examiner for his careful consideration of this application. Applicant respectfully requests consideration of the claims in light of the remarks contained herein.

II. Disposition of the Claims

At the time of the Office Action, claims 1-37, 53 and 54 were pending in this Application. Claims 1-37, 53 and 54 were rejected. Claims 38-50 were cancelled due to earlier election/restriction requirements. Claims 1, 53, and 54 have been amended. Support for the amendments can be found at least in Figures 1 and 5 of the present application. Claims 1-37, 53, and 54 are pending. Applicant respectfully requests reconsideration and favorable action in this case.

III. Rejections under 35 U.S.C. § 102

Claims 1-6, 8-10, 12-14, 33, 35-37, 53 and 54 were rejected by the Office Action under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2001/0011264 by Kawasaki (“Kawasaki”). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully traverses and submits the cited reference does not disclose, teach or suggest, either expressly or inherently, each and every element of amended independent claims 1, 53 and 54.

Amended independent claim 1 requires in part a personal base instance configured to receive data from the plurality of third parties through the personal base server. Examiner equates Kawasaki’s “Recognizer” to the personal base instance. (Office Action dated 12/10/08 at 3, as referred to by Office Action at 3). Kawasaki’s Recognizer is not the claimed “personal base instance,” however, at least because the Recognizer is not configured to receive data from

the plurality of third parties through the personal base server. Instead, Kawasaki describes the Recognizer receiving data from third parties *through a user.* Kawasaki ¶ 34 (“...each discrete unit of information newly encountered by Users is analyzed by Recognizers...”). The personal base server identified by Examiner, Kawasaki’s “Profiler,” is shown to be outside of the communication path between the third parties and the Recognizer. Kawasaki Fig. 4. Additionally, the only data communication between the Recognizer and the Profiler described in Kawasaki is from the Recognizer to the Profiler. Kawasaki ¶ 30 (“...Profiler 26 that receives the output from the real-time analysis of the Recognizers 23.”). Kawasaki does not describe data flow in the opposite direction, from the Profiler to the Recognizer, as would be necessary for the Recognizer to receive data from third parties through the Profiler. Thus, Kawasaki fails to disclose the claim limitation.

For at least these reasons, Kawasaki fails to disclose each element of independent claim 1. Likewise, Kawasaki fails to disclose each element of independent claims 53 and 54, as both claims have similar limitations to that found in claim 1. Accordingly, Applicant respectfully submits that these independent claims are allowable. Additionally, Applicant submits that dependent claims 2-6, 8-10, 12-14, 33 and 35-37 are allowable, as they depend from otherwise allowable base claims.

IV. Rejections under 35 U.S.C. § 103

The rejection of dependent claims 7, 11 and 15-32 will not be discussed individually herein, as each of these claims depends, either directly or indirectly, from an otherwise allowable base claim.

V. No Waiver

All of Applicant’s arguments and amendments are without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner’s additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art.

CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of claims 1-37, 53 and 54.

Applicant does not believe any fees are necessary with the submitting of this response. Should any fees be required, Applicant requests that the fees be debited from deposit account number 02-0383.

Respectfully submitted,

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